UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,874	09/12/2001	Irwin Jerold Singer	17037A	8268

23556 7590 09/23/2005

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER	
SALVATORE, LYNDA	
ART UNIT	**PAPER NUMBER**
1771	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/954,874	SINGER ET AL.	
	Examiner	Art Unit	
	Lynda M. Salvatore	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08/22/05*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-28 and 30-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-28 and 30-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for continuing examination, amendment, and accompanying remarks filed 08/22/05 and 06/24/05 have been fully considered. Claim 17 has been amended as requested. Applicant's amendment is not found patently distinguishable over the prior art made of record and Applicant's arguments are not persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 17-28 and 30-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drew, US 6,186,320 in view of Midkiff et al., US 5,709,735 and further in view of McCormack et al., US 5,964,742.

Applicant amended claim 17 to recite a pattern unbonded bond pattern and argues that the thermal point bonding pattern taught by Midkiff is different from Applicant's claimed pattern unbonded bond pattern. Applicant further argues a lack of motivation to combine the references of Drew, US 6,186,320 and Midkiff et al., US 5,709,735 to form the obviousness type rejection above. Specifically, Applicant asserts that one of ordinary skill in the art would not be motivated to combine the flexible storage sleeve taught by Drew with the high stiffness non-woven material taught by Midkiff et al. Applicant submits that the Examiner has not shown why the structural integrity of the Drew storage sleeve would be insufficient and as such would be led away from

replacing the flexible non-woven taught by Drew with a high stiffness non-woven as taught by Midkiff et al. These arguments are not found persuasive.

In response, Midkiff et al., happens to exemplify a high stiffness non-woven filtration material, however, it would be expected that when the non-woven material is employed as towel or a protective fabric the stiffness would vary. Though not exemplified, Midkiff et al., teaches employing the non-woven web material in a variety of applications including protective fabrics and towels. As such, it is the position of the Examiner that the stiffness of the non-woven fabric is a function of the desired end use.

With regard to replacing the flexible non-woven of Drew with the higher stiffness non-woven taught by Midkiff et al., the Examiner maintains that the teaching of a flexible storage sleeve by Drew does not necessarily preclude providing a storage sleeve also having good structural integrity. Since Drew does not limit the degree of flexibility, it is the position of the Examiner that employing the spun-bonded polyolefin non-woven web taught by Midkiff et al., which comprises all of the claimed structural and chemical features set forth including the Gurley stiffness property limitation, would not necessarily render the storage sleeve of Drew inflexible. Moreover, the flexible storage sleeve of Drew must have some minimum degree of stiffness or it would lack sufficient structural integrity to function as a storage sleeve.

Recall, the patent issued to Drew teaches a double sided storage sleeve comprising flexible first, third sheet, and a flexible non-woven, non-laminated second sheet positioned between said first and third sheets (Claim 1). The flexible first, third, and second sheet are interconnected together on the bottom edge and two side edges to form two pockets (Claim 1). The flexible non-woven second sheet comprises a spunbonded, continuous polypropylene fiber

(Claim 1). The flexible first and third sheets may be comprised of a transparent material such as plastic, vinyl or propylene, or non-woven materials (Column 3, 55-65).

Drew does not specifically teach the limitations set forth in claims, 24-38, however, the patent issued to Midkiff et al., teaches a non-woven web made from conjugate fibers of polyethylene and polypropylene (Abstract). Midkiff et al., teaches that non-woven webs are used in a variety of applications from diapers to protective fabrics (Column 1, 15-18). Specifically, Midkiff et al., teaches spunbond fabrics suitable for use as a filtration material (Column 1, 20-50). Midkiff et al., teaches that the spunbonded polyolefin non-woven fabric has good structural integrity, high permeability and filtration efficiency (Column 1, 35-50). The conjugate polyolefin fibers are spun together to form multi or bicomponent fibers, having a side-by-side or sheath/core configuration (Column 3, 29-45 and Column 6, 66-67). Midkiff et al., teaches various bonding techniques including through-air- bonding (TAB) or thermal point bonding (Column 4, 49-Column 5, 5). With regard to the Gurley stiffness, Midkiff et al., teaches a value above 700 mg

Therefore, motivated by the desire to provide a storage sleeve having sufficient structural integrity it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the double-sided storage sleeve taught by Drew with the spunbonded polyolefin non-woven fabric taught by Midkiff et al.

With regard to the bulk density limitation recited in claims 17 and 18, Applicant argues the Examiner's reliance on *In re Boesch.* Applicant asserts that since the prior art does not cite any bulk range there is no bulk density variable for which to optimize. However, it is the position of the Examiner that though there isn't an explicit teaching to a bulk density range, the general

conditions of the claim are disclosed. As such, it is the position of the Examiner that based on the desired end use, discovering the optimum or workable bulk density range would involve only routine skill in the art.

With regard to Applicant's argument regarding the bonding pattern, Applicant argues that the prior art teaches a point bonding technique that is different from the instant claims. According to Applicant, the point bonding pattern taught by Midkiff et al., is distinct from the presently claimed pattern unbonded bond pattern. However, the patent issued to McCormack et al., teach non-woven having improved strength and abrasion resistance suitable for use as protective cover fabrics (title and column 5, 24-30). McCormack et al., specifically teach various pattern unbonded bond patterns (figures 1-4 and column 4, 18-51). McCormack et al., teach that thermal point bonding patterns (EHP) result in stiffer fabrics (column 3,59-column 4, 17 and column 7, 53-62). McCormack et al., teach that pattern unbonded bond patterns fabrics (PUB) have greater fiber mobility and softness, but have lower abrasion resistance and strength (column 7, 53-62). To achieve a balance between softness, strength, and abrasion resistance McCormack et al., teach a specific pattern unbonded bond pattern (column 7, 63-column 8, 10 and figure 1).

Therefore, motivated by the desire to produce a non-woven fabric having softness, strength and abrasion resistance, it would have been obvious to one having ordinary skill in the art at the time the invention was made to pattern unbond the non-woven fabric taught by Midkiff et al., in the protective storage sleeve provided by Drew et al., in view of Midkiff et al., as taught by McCormack et al.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 13, 2005
ls

TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700